

Page 1

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

No. 21-CR-00427 SMV/KRS

MARK MONDRAGON o/b/o  
D.M. a minor child,

Plaintiffs,  
v.

RIO RANCHO PUBLIC SCHOOLS,  
BOARD OF EDUCATION and  
GEORGE ARCHULETA in his  
Individually and official capacity,

Defendants.

**DEPOSITION OF**

**DON MANGIN**

April 11, 2022  
1:30 p.m.  
500 4th Street, NW Suite 105  
Albuquerque, New Mexico 87102

PURSUANT TO THE NEW MEXICO RULES OF CIVIL PROCEDURE,  
this deposition was:

TAKEN BY: TODD J. BULLION  
ATTORNEY FOR PLAINTIFFS

REPORTED BY: EDWINA CASTILLO, CCR #407  
PAUL BACA COURT REPORTERS  
500 4th Street, NW Suite 105  
Albuquerque, New Mexico 87102

**EXHIBIT P**

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| <p style="text-align: center;">Page 6</p> <p>1 works. You're under oath today and your testimony<br/>   2 could be used in court under certain<br/>   3 circumstances. If you were say unavailable to<br/>   4 testify at a -- at a trial, so everything you're<br/>   5 saying is being typed down by the court reporter<br/>   6 here, as are the questions I'm asking you. If I<br/>   7 ask you a question that you do not understand,<br/>   8 even if you are pretty sure that you understand,<br/>   9 but you're not a hundred percent sure, please let<br/>   10 me know. So that way we can talk about it, make<br/>   11 sure that we're on the same page.</p> <p>12 The reason I want to do that is if you<br/>   13 are unsure what exactly what I'm asking, and you<br/>   14 don't express that verbally, it will appear on the<br/>   15 transcript, when the lawyers read it later, that<br/>   16 you've understood what I was asking and provided<br/>   17 an answer to it. So I want to make sure we're on<br/>   18 the same page and that later on when we're looking<br/>   19 the transcript over, we know that your answers are<br/>   20 accurate and reliable. All right?</p> <p>21 We can take a break at any time, should<br/>   22 you want one, just let us know. And that's pretty<br/>   23 much it.</p> <p>24 Have you had any drugs or alcohol in the<br/>   25 past two days?</p> | <p>1 do you physically work out of a high school given<br/>   2 the number of schools that you supervise security<br/>   3 at?</p> <p>4 A. Cleveland is the busiest.</p> <p>5 Q. Okay.</p> <p>6 A. Cleveland and Rio Rancho. So both of<br/>   7 those security managers work out of the high<br/>   8 schools.</p> <p>9 Q. Okay. When you say "busiest," what do<br/>   10 you mean?</p> <p>11 A. We have a lot of, you know, activity<br/>   12 going on. There's 20- -- almost 2600 students at<br/>   13 the school, so there's constant security issues<br/>   14 that we have to deal with.</p> <p>15 Q. What issues do you typically deal with<br/>   16 at the high school --</p> <p>17 A. A lot of --</p> <p>18 Q. -- at Cleveland?</p> <p>19 A. -- a lot of vaping. That's probably the<br/>   20 majority.</p> <p>21 Q. Vaping?</p> <p>22 A. Vaping, yeah, like nic- -- nicotine or<br/>   23 THC.</p> <p>24 Q. Okay. So when I was in high school, we<br/>   25 didn't have vapes. I'm not overly familiar with</p>  |
| <p style="text-align: center;">Page 7</p> <p>1 A. I had a drink yesterday.</p> <p>2 Q. Okay. You're not under the effects of<br/>   3 alcohol right now, right?</p> <p>4 A. No.</p> <p>5 Q. Okay. And are there any reason you<br/>   6 can't give truthful answers to questions today?</p> <p>7 A. No.</p> <p>8 Q. Okay. Well, let's get started then.</p> <p>9 All right. So what's your job title?</p> <p>10 A. I am a security manager for the Rio<br/>   11 Rancho Public Schools.</p> <p>12 Q. Okay. What are your job duties?</p> <p>13 A. I'm security of the schools. I over --<br/>   14 I supervise individuals that are at the high<br/>   15 school, the middle schools, and also the<br/>   16 elementary schools, and the preschool on the north<br/>   17 side of Northern Boulevard in Rio Rancho.</p> <p>18 Q. Okay. So that's -- is that four<br/>   19 different schools or is it more?</p> <p>20 A. No. It's the high school, two middle<br/>   21 schools, five elementaries, and one preschool.</p> <p>22 Q. Okay. So you've got your hands full.</p> <p>23 Where do you physically work?</p> <p>24 A. Out of Cleveland High School.</p> <p>25 Q. Out of Cleveland High School, okay. Why</p>   | <p style="text-align: center;">Page 9</p> <p>1 them. Can you describe what a vape pen looks like<br/>   2 to me, please?</p> <p>3 A. It really looks like -- you remember the<br/>   4 old thumb drives? It looks like one of these<br/>   5 because it contains nicotine or THC.</p> <p>6 Q. Like a USB thumb drive?</p> <p>7 A. Basically, yeah, but they're a little<br/>   8 bit longer and some -- there -- there's -- they<br/>   9 come in many different variations.</p> <p>10 Q. Okay. And you said that dealing with<br/>   11 students vaping is probably your most frequently<br/>   12 seen security issue?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. And if you can help me ballpark<br/>   15 what exactly that means. Is that more than 50<br/>   16 percent of the issues you're dealing with relate<br/>   17 to vaping?</p> <p>18 A. Yes.</p> <p>19 Q. Over and under 80 percent?</p> <p>20 A. I'd say maybe 80.</p> <p>21 Q. Right on. So eight of out ten security<br/>   22 issues roughly deal with vaping?</p> <p>23 A. Yes.</p> <p>24 Q. At Cleveland High School?</p> <p>25 A. Yes.</p> |

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| <p style="text-align: center;">Page 18</p> <p>1       <b>Q. Yes.</b><br/> 2       A. -- it's my job to investigate it.<br/> 3       <b>Q. All right. And if you substantiated</b><br/> 4       <b>that it happened, what would happen?</b><br/> 5       A. There would be disciplinary action.<br/> 6       <b>Q. What kind of disciplinary action?</b><br/> 7       A. I -- I would have to go to HR. It would<br/> 8       go to HR and they would deem what -- what will be<br/> 9       done next.<br/> 10       <b>Q. Would you recommend a person be fired?</b><br/> 11       A. That would be HR's decision. I don't --<br/> 12       I don't fire.<br/> 13       <b>Q. Okay. Would you do anything in addition</b><br/> 14       <b>to what you've described or is that pretty much</b><br/> 15       <b>all you would do?</b><br/> 16       A. I would investigate the situation and<br/> 17       then report my findings to the HR department.<br/> 18       <b>Q. Okay. And you'd agree with me that</b><br/> 19       <b>guards shouldn't be conducting those kind of</b><br/> 20       <b>searches, watching students urinate?</b><br/> 21       A. Conducting a search and watch them<br/> 22       urinate?<br/> 23       <b>Q. Yeah, so let me -- let me rephrase, and</b><br/> 24       <b>thank you for expressing that you didn't quite</b><br/> 25       <b>understand that. So you'd agree with me that</b></p> | <p style="text-align: center;">Page 20</p> <p>1       have to go in and do searches of inmates' living<br/> 2       areas, he might have been working in one of the<br/> 3       facilities, you know, and that's how we'd run into<br/> 4       people.<br/> 5       <b>Q. Okay. Were you guys friends,</b><br/> 6       <b>acquaintances?</b><br/> 7       A. Acquaintances.<br/> 8       <b>Q. Who started working at Cleveland first?</b><br/> 9       <b>You or George?</b><br/> 10       A. George.<br/> 11       <b>Q. George. Okay. When you came to work at</b><br/> 12       <b>Cleveland, did you get to know George better?</b><br/> 13       A. I was a supervisor when I -- when I came<br/> 14       on. I mean, I got to know all of my guys better.<br/> 15       <b>Q. Would you consider yourself to be</b><br/> 16       <b>friends with George?</b><br/> 17       A. No.<br/> 18       <b>Q. Ever socialize outside of work?</b><br/> 19       A. Like after a state championship when<br/> 20       all -- all the school staff got together, that was<br/> 21       about it. I've never been to his house or<br/> 22       anything.<br/> 23       <b>Q. Ever play golf together?</b><br/> 24       A. No.<br/> 25       <b>Q. Okay. You mentioned earlier -- well,</b></p>  |
| <p style="text-align: center;">Page 19</p> <p>1       <b>guards should not be making efforts to observe</b><br/> 2       <b>students urinating as part of their job?</b><br/> 3       A. Well, yeah, I would agree that that<br/> 4       would be -- that wouldn't be the right thing to<br/> 5       do.<br/> 6       <b>Q. Okay. How long have you worked with</b><br/> 7       <b>George Archuleta?</b><br/> 8       A. George worked at -- well, I -- I came<br/> 9       from corrections at first, but I didn't work with<br/> 10       George in corrections. I knew of him. He worked<br/> 11       for the schools maybe with me for seven years.<br/> 12       <b>Q. Okay. You said you knew of George when</b><br/> 13       <b>you were a corrections officer?</b><br/> 14       A. I knew he was a corrections officer over<br/> 15       at -- in Santa Fe.<br/> 16       <b>Q. And where were you a corrections</b><br/> 17       <b>officer?</b><br/> 18       A. I was a canine officer in Santa Fe.<br/> 19       <b>Q. Were you employed by the department of</b><br/> 20       <b>corrections?</b><br/> 21       A. Yes.<br/> 22       <b>Q. Okay. And so you hadn't worked with</b><br/> 23       <b>George, but you knew -- I'm -- I'm just trying to</b><br/> 24       <b>understand.</b><br/> 25       A. I was a canine officer so like when I</p>  | <p style="text-align: center;">Page 21</p> <p>1       <b>actually, do you -- do you have video surveillance</b><br/> 2       <b>at Cleveland?</b><br/> 3       A. Yes.<br/> 4       <b>Q. Can you describe the security setup to</b><br/> 5       <b>me?</b><br/> 6       A. They're set up in all the hallways. We<br/> 7       can't have them in the classrooms. We can't have<br/> 8       them in the bathrooms. They're in the library.<br/> 9       They're in the gym. They're in the field house.<br/> 10       And I believe there's approximately 200 and -- 217<br/> 11       cameras, maybe more now because we keep adding --<br/> 12       oh, we also have in them in the parking lots.<br/> 13       <b>Q. Okay. And are the -- is the footage</b><br/> 14       <b>from that recorded and kept somewhere?</b><br/> 15       A. Well, I don't know the life of the --<br/> 16       the videos themselves. Each one of them differs<br/> 17       because of the traffic. But if a -- if an<br/> 18       incident has been asked to be recorded, we do<br/> 19       record them and keep them.<br/> 20       <b>Q. All right. Explain that to me if</b><br/> 21       <b>you're -- if you're asked to keep a recording.</b><br/> 22       A. If there's a fight that happened and<br/> 23       they know that it's possibly going to go to a<br/> 24       hearing, they'll say, "Do you have video footage<br/> 25       of the fight? And if so, can you record it and</p> |

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| <p style="text-align: center;">Page 22</p> <p>1 then download and sent it to the hearing<br/>2 officers."</p> <p>3 <b>Q. Okay. I think I understand. So unless</b><br/>4 <b>you specifically receive a request to preserve</b><br/>5 <b>video, it doesn't get kept?</b></p> <p>6 A. Sure.</p> <p>7 <b>Q. How long can you go back and look for a</b><br/>8 <b>video?</b></p> <p>9 A. Like I said, I couldn't tell you the<br/>10 answer. It -- it varies because some videos, like<br/>11 some cameras have a lot of more traffic so if the<br/>12 storage isn't going to be as long. And then you<br/>13 might have another one that there's hardly any<br/>14 traffic and the video will be around quite, you<br/>15 know, a little bit longer.</p> <p>16 <b>Q. Okay. So are they motion-activated</b><br/>17 <b>cameras?</b></p> <p>18 A. No, they're automatic.</p> <p>19 <b>Q. So you're -- you're mentioning traffic.</b></p> <p>20 A. A lot of traffic. So like if I have one<br/>21 and let's just say in the first floor hallway on<br/>22 the east side, and there's -- there's constant<br/>23 traffic when the kids are between periods, are<br/>24 going from class to class, so that's a lot of<br/>25 camera footage. But you might have an area, say</p> | <p style="text-align: center;">Page 24</p> <p>1 <b>doing a search on their own volition without being</b><br/>2 <b>requested by administration, do they make a report</b><br/>3 <b>then?</b></p> <p>4 A. If they would do that on their own, but<br/>5 they don't do it. They're -- they're told not to<br/>6 do that. <b>You have -- over at Cleveland V. Sue --</b><br/>7 <b>at any of the schools I oversee, my guys are told</b><br/>8 <b>they will not conduct a search unless requested by</b><br/>9 <b>an administrator.</b></p> <p>10 <b>Q. Okay. Is that -- how is that</b><br/>11 <b>communicated to them?</b></p> <p>12 A. I -- I tell them or I send it through an<br/>13 e-mail, possibly. And they're also told once<br/>14 they're hired.</p> <p>15 <b>Q. Okay. Is that -- would you consider</b><br/>16 <b>that to be a school policy?</b></p> <p>17 A. Yes.</p> <p>18 <b>Q. Okay. And --</b></p> <p>19 A. Or formality.</p> <p>20 <b>Q. Another way to describe it would be a</b><br/>21 <b>practice or a custom. That's how business is done</b><br/>22 <b>according to you; no search unless an</b><br/>23 <b>administrator tells you to search?</b></p> <p>24 A. Yes.</p> <p>25 <b>Q. Okay. Why is that the case?</b></p>                                      |
| <p style="text-align: center;">Page 23</p> <p>1 the baseball field that until baseball season, you<br/>2 really don't have any traffic.</p> <p>3 <b>Q. So does the camera not record</b><br/>4 <b>continually? It turns on at certain points in</b><br/>5 <b>time.</b></p> <p>6 A. No, it's continual.</p> <p>7 <b>Q. Okay. I know you said it varies from</b><br/>8 <b>cameras to camera, but say someone asked you to</b><br/>9 <b>find the video of a fight that happened like a</b><br/>10 <b>week ago.</b></p> <p>11 A. There's a good possibility it -- it's<br/>12 there.</p> <p>13 <b>Q. All right. How about two months ago?</b></p> <p>14 A. I couldn't tell you that.</p> <p>15 <b>Q. How are searches of students documented</b><br/>16 <b>at V. Sue Cleveland High School?</b></p> <p>17 A. They're gone -- they're put on an<br/>18 incident report.</p> <p>19 <b>Q. Okay. And is that done each and every</b><br/>20 <b>time there's a search of a student?</b></p> <p>21 A. Any time that an administrator requests<br/>22 one of my security individuals to conduct a<br/>23 search, they have to do an incident report. It's<br/>24 basic -- it's a basic information report.</p> <p>25 <b>Q. Okay. And what about a security officer</b></p>          | <p style="text-align: center;">Page 25</p> <p>1 A. Because an administrator is -- he --<br/>2 he's the authority that can ask, request for a<br/>3 search to be done.</p> <p>4 <b>Q. All right. Security guards, on their</b><br/>5 <b>own, can't decide to search someone?</b></p> <p>6 A. No.</p> <p>7 <b>Q. All right. How -- how did you come to</b><br/>8 <b>doing business like this at your high school?</b></p> <p>9 A. It's the way it has been since I -- I<br/>10 started there.</p> <p>11 <b>Q. Since you started, okay. If you found</b><br/>12 <b>out that a guard was doing searches without being</b><br/>13 <b>directed to by administration, how would that be</b><br/>14 <b>dealt with by you?</b></p> <p>15 A. I would -- it would be immediately<br/>16 investigated.</p> <p>17 <b>Q. How serious of a violation of policy is</b><br/>18 <b>that, in your mind, if it were to happen?</b></p> <p>19 A. Well, I mean, we -- you don't -- how<br/>20 serious? You just don't -- you don't put hands<br/>21 on -- on a kid unless you're requested and also<br/>22 the kid gives you permission to conduct a search.</p> <p>23 <b>Q. Okay. You -- you mentioned students</b><br/>24 <b>giving permission to conduct a search.</b></p> <p>25 A. Yeah, if a --</p> |

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| <p style="text-align: right;">Page 30</p> <p>1 A. Yes.</p> <p>2 <b>Q. Do you guys ever use wands --</b></p> <p>3 A. We have.</p> <p>4 <b>Q. -- during searches? All right. When</b></p> <p>5 <b>are those used?</b></p> <p>6 A. What? Excuse me.</p> <p>7 <b>Q. When are those used?</b></p> <p>8 A. Usually we'll use those if they feel</p> <p>9 that they might be concealing that they can't pat.</p> <p>10 <b>Q. What do you mean?</b></p> <p>11 A. My guys have taken students up to the</p> <p>12 front before and as they're on their way,</p> <p>13 they'll -- they'll see a kid put something into</p> <p>14 their pants and knowing that security can't pat</p> <p>15 them there.</p> <p>16 <b>Q. Okay. Why can't they pat them in their</b></p> <p>17 <b>pants?</b></p> <p>18 A. That's -- we're not trained to search</p> <p>19 that part of their body.</p> <p>20 <b>Q. And by "that part of their body," you're</b></p> <p>21 <b>referring to the groin, to the genital area?</b></p> <p>22 A. Yes.</p> <p>23 <b>Q. Okay. So during this pat-down search,</b></p> <p>24 <b>there shouldn't be even incidental contact with a</b></p> <p>25 <b>student's genitals?</b></p>  | <p style="text-align: right;">Page 32</p> <p>1 you mind standing up and just showing me, you</p> <p>2 know, because you -- you've patted your body a</p> <p>3 couple of times. Would you mind doing that again</p> <p>4 and describing for the court reporter each part of</p> <p>5 your body that you're -- that you're actually</p> <p>6 patting?</p> <p>7 A. Yeah. Basically, you have them stand</p> <p>8 up, they spread their arms. You come around here.</p> <p>9 You pat here, here, go around the waistline, pat</p> <p>10 here, here, and go down the legs, and have them</p> <p>11 remove their shoes.</p> <p>12 <b>Q. Okay. So I saw you touch the outside of</b></p> <p>13 <b>your hips, the outsides of your pockets.</b></p> <p>14 A. This is the waistline.</p> <p>15 <b>Q. The waistline.</b></p> <p>16 A. The pocket -- the outside pockets, the</p> <p>17 pockets, and then down.</p> <p>18 <b>Q. All right. So you're not touching the</b></p> <p>19 <b>student's buttocks?</b></p> <p>20 A. Just the pockets.</p> <p>21 <b>Q. Okay. And do you use the palm of your</b></p> <p>22 <b>hand or the back of your hand?</b></p> <p>23 A. I would use the palm of my hand.</p> <p>24 <b>Q. Okay. And when I -- you can sit down.</b></p> <p>25 <b>Thank you. When I saw you doing that I -- I</b></p> |
| <p style="text-align: right;">Page 31</p> <p>1 A. Yeah, no. They're trained to just pat</p> <p>2 the pockets.</p> <p>3 <b>Q. Okay. And are there any circumstances</b></p> <p>4 <b>in which it would be acceptable for a security</b></p> <p>5 <b>guard to intentionally touch a student's genitals</b></p> <p>6 <b>during a search?</b></p> <p>7 A. No, that's not the way they're trained.</p> <p>8 <b>Q. Okay. And you'd agree with me that</b></p> <p>9 <b>would be wrong?</b></p> <p>10 A. If it was to happen, yes.</p> <p>11 <b>Q. Yeah. You'd agree with me that could</b></p> <p>12 <b>cause a student to suffer emotional harm and feel</b></p> <p>13 <b>bad about themselves?</b></p> <p>14 A. I -- I've never -- it's never been</p> <p>15 reported to me anything like that has ever</p> <p>16 happened so I wouldn't know what they're feeling</p> <p>17 would be.</p> <p>18 <b>Q. Okay.</b></p> <p>19 MR. BULLION: So we're not -- we're not</p> <p>20 video recording this, right?</p> <p>21 THE COURT REPORTER: We are recording</p> <p>22 the audio.</p> <p>23 MR. BULLION: Yeah. So I sometimes, you</p> <p>24 know, when you make gestures, it gets kind of lost</p> <p>25 in translation in the transcript. Would -- would</p> | <p style="text-align: right;">Page 33</p> <p>1 noticed you did not get anywhere near the groin</p> <p>2 area.</p> <p>3 A. True.</p> <p>4 <b>Q. All right. And the way you demonstrated</b></p> <p>5 <b>that for me, is that the same that your security</b></p> <p>6 <b>guards are taught to do a search? Do you do a</b></p> <p>7 <b>similar demonstration for them at the start of the</b></p> <p>8 <b>year?</b></p> <p>9 A. Yes.</p> <p>10 <b>Q. Okay. And I noticed you didn't -- you</b></p> <p>11 <b>didn't pat the inner -- upper inner thigh of your</b></p> <p>12 <b>leg either.</b></p> <p>13 A. True.</p> <p>14 <b>Q. Is that another area that security</b></p> <p>15 <b>guards should not touch when doing a pat-down</b></p> <p>16 <b>search at your school?</b></p> <p>17 A. Well, they're not trained to touch.</p> <p>18 <b>Q. Okay. Has -- have you ever had a</b></p> <p>19 <b>security guard say, "Hey, boss, you know, can I</b></p> <p>20 <b>pat-down like the groin or inner thigh area?"</b></p> <p>21 A. Never.</p> <p>22 <b>Q. If someone were to say that to you, how</b></p> <p>23 <b>would you react?</b></p> <p>24 A. That's not in our policy and we're going</p> <p>25 to stay away from that area.</p>   |

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| <p style="text-align: right;">Page 50</p> <p>1 children? They're getting in trouble a lot?<br/>   2 A. On a year-to-year basis, you run into,<br/>   3 you know, some of them that are causing problems.<br/>   4 Q. Okay.<br/>   5 A. That's how you learn of them. The<br/>   6 majority of the kids get through and --<br/>   7 Q. Yeah. I -- I don't want you to name<br/>   8 names, but if I were to ask you for like the top<br/>   9 three or five, you know, people who get referrals,<br/>   10 you could tell me who they are right now, right?<br/>   11 A. No.<br/>   12 Q. No?<br/>   13 A. Not me. My officers probably could<br/>   14 because they're dealing with it more.<br/>   15 Q. Okay. As far as you're aware, were<br/>   16 either D.M., E.M, or J.S. frequently getting into<br/>   17 trouble?<br/>   18 A. Not that I know of.<br/>   19 Q. I think we're about done. Let me -- let<br/>   20 take five minutes and make sure I'm not forgetting<br/>   21 --<br/>   22 A. Okay.<br/>   23 Q. -- anything. And I would hate to bug<br/>   24 you again.<br/>   25 THE WITNESS: Okay.</p> | <p style="text-align: right;">Page 52</p> <p>1 other one, too? Do you -- do you have the other<br/>   2 one?<br/>   3 THE COURT REPORTER: Yes, I do. Sorry.<br/>   4 MR. QUINONES: And what are the exhibit<br/>   5 numbers on these, Counsel?<br/>   6 MR. WALZ: They're -- they're one and<br/>   7 two. Okay? One and two.<br/>   8 MR. QUINONES: Thank you.<br/>   9 MR. WALZ: Okay.<br/>   10 Q. (By Mr. Walz) Now, when you were asked<br/>   11 about searches, do you recall that line of<br/>   12 questioning when you could do a pat-down or not?<br/>   13 A. Yes.<br/>   14 Q. All right. Now, the first -- the first<br/>   15 policy Counsel showed you is Exhibit 1, and that's<br/>   16 RRPS Defendant 000206 and it's Policy 1009. Would<br/>   17 you -- would you take a minute real quick to take<br/>   18 a look at that? Just tell me when you're done<br/>   19 there.<br/>   20 A. Okay.<br/>   21 Q. All right. Now you just reviewed that<br/>   22 searches and seizures policy, correct?<br/>   23 A. Yes.<br/>   24 Q. Did you see anything in Policy 1009 that<br/>   25 said that pat-down searches can only be utilized</p> |
| <p style="text-align: right;">Page 51</p> <p>1 MR. WALZ: Okay.<br/>   2 (Recess taken at 2:11 to 2:38 p.m.)<br/>   3 Q. (By Mr. Bullion) Sir, you ever heard of<br/>   4 any complaints being made against Mr. Archuleta?<br/>   5 A. No.<br/>   6 Q. No? Have you ever heard of complaints<br/>   7 made against any of your security officers during<br/>   8 your ten years as supervisor?<br/>   9 A. From students?<br/>   10 Q. Yes.<br/>   11 A. No.<br/>   12 Q. No?<br/>   13 I don't have any further questions for<br/>   14 you. Thank you.<br/>   15 MR. WALZ: Carlos?<br/>   16 MR. QUINONES: Yeah, I have no questions<br/>   17 for Mr. Mangin.<br/>   18 MR. WALZ: You -- you know, I think I<br/>   19 just have a couple.<br/>   20 EXAMINATION<br/>   21 BY MR. WALZ:<br/>   22 Q. Counsel showed you a couple of board<br/>   23 policies. Do you recall that?<br/>   24 A. Yes.<br/>   25 MR. WALZ: Will -- will you hand me the</p>   | <p style="text-align: right;">Page 53</p> <p>1 while searching for a weapon?<br/>   2 A. No.<br/>   3 Q. What is your interpretation and belief<br/>   4 of when you can do pat-down searches pursuant to<br/>   5 Policy 1009?<br/>   6 A. When a search is requested to -- to<br/>   7 search a person.<br/>   8 Q. To look for what?<br/>   9 A. Contraband.<br/>   10 Q. Okay. And I think that Counsel had you<br/>   11 define contraband, but to follow-up on Counsel's<br/>   12 question, would a vape pen be considered<br/>   13 contraband?<br/>   14 A. Yes.<br/>   15 Q. Assuming that there was reasonable<br/>   16 suspicion to believe that the student had placed a<br/>   17 vape pen in his waistband -- do you follow my<br/>   18 hypothetical so far?<br/>   19 A. Yes.<br/>   20 Q. How would you search for that?<br/>   21 A. You pat the waistband around the waist,<br/>   22 and if you feel the object, you ask them to remove<br/>   23 it.<br/>   24 Q. Okay. So again pursuant to this Policy<br/>   25 1009, in -- in your belief, that would be</p>   |

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| <p style="text-align: right;">Page 74</p> <p>1       <b>Q. Okay. So that's -- that carves out an</b><br/> 2       <b>exception where school personnel themselves can</b><br/> 3       <b>conduct if reasonable suspicion exists, where</b><br/> 4       <b>security personnel are authorized to conduct a</b><br/> 5       <b>pat-down search for safety reasons; is that</b><br/> 6       <b>correct?</b></p> <p>7       A. Yes.</p> <p>8       <b>Q. Okay. Then as we go through the search</b><br/> 9       <b>procedures, and I believe that this was read to</b><br/> 10       <b>you this morning or perhaps in the first</b><br/> 11       <b>deposition, it-- it tells what procedures are to</b><br/> 12       <b>be used in connection with this section, okay. I</b><br/> 13       <b>want you to focus though where it says, "pat-down</b><br/> 14       <b>searches." Will you read number six, the</b><br/> 15       <b>preliminary paragraph?</b></p> <p>16       A. "Pat-Down Searches. A 'pat-down'</p> <p>17       consists of feeling the outer clothing for an</p> <p>18       object or item that could be a weapon. Factors to</p> <p>19       consider when determining the possession of a</p> <p>20       weapon are..."</p> <p>21       <b>Q. Okay. Now, when -- when we read that</b><br/> 22       <b>definitional section, does it reference back, in</b><br/> 23       <b>your opinion, to 3 B where it's giving security</b><br/> 24       <b>personnel authorization to conduct a pat-down</b><br/> 25       <b>search for a student in possession of a weapon for</b></p> | <p style="text-align: right;">Page 76</p> <p>1       <b>security, a director, if you can even project that</b><br/> 2       <b>many students since the time you -- your</b><br/> 3       <b>employment began at Rio Rancho?</b></p> <p>4       A. That I oversee the schools, I oversee</p> <p>5       approximately 8500 students so ...</p> <p>6       <b>Q. Is that each year?</b></p> <p>7       A. That's each year.</p> <p>8       <b>Q. Okay. So can you even project how many</b><br/> 9       <b>students there have been?</b></p> <p>10       A. Whatever 8500 times ten would be,</p> <p>11       80,500.</p> <p>12       <b>Q. If we had known that, we'd become</b><br/> 13       <b>doctors, right? No, we get it. It's a very large</b><br/> 14       <b>number, correct?</b></p> <p>15       A. Yes.</p> <p>16       <b>Q. Okay. But you would agree that even in</b><br/> 17       <b>authorized pat-downs, it's impermissible to</b><br/> 18       <b>intentionally touch or fondle a student's</b><br/> 19       <b>genitalia?</b></p> <p>20       A. Yes.</p> <p>21       <b>Q. I don't have any other questions.</b></p> <p>22       MR. BULLION: I promise we'll eventually</p> <p>23       be done, maybe, but the last time I went back and</p> <p>24       forth in a depo like this -- oh, nevermind.</p>                         |
| <p style="text-align: right;">Page 75</p> <p>1       <b>safety reasons?</b></p> <p>2       A. Yes.</p> <p>3       <b>Q. Okay. So there's no limitation is there</b><br/> 4       <b>that you can see in this policy Exhibit 2? Or in</b><br/> 5       <b>Exhibit 1 that somehow hinders, prohibits the</b><br/> 6       <b>ability or authority based on reasonable suspicion</b><br/> 7       <b>for an administrator at the direction of school</b><br/> 8       <b>officials to request, if reasonable suspicion</b><br/> 9       <b>exists, a pat-down search even if you're not</b><br/> 10       <b>looking for a weapon? You're just looking for</b><br/> 11       <b>contraband. Can you do that?</b></p> <p>12       A. Can you do a pat-down search?</p> <p>13       <b>Q. Yes.</b></p> <p>14       A. If you're not looking for a weapon?</p> <p>15       <b>Q. Yes. If authorized or requested by a</b><br/> 16       <b>school authority.</b></p> <p>17       A. If requested, yes.</p> <p>18       <b>Q. Okay. Thank you.</b></p> <p>19       <b>To your knowledge, have -- has any</b><br/> 20       <b>lawsuit ever been brought against you or any of</b><br/> 21       <b>the -- Mr. Archuleta for alleged violation of</b><br/> 22       <b>illegal searches?</b></p> <p>23       A. No.</p> <p>24       <b>Q. And how many students have walked</b><br/> 25       <b>through the schools that you -- that you have been</b></p>  | <p style="text-align: right;">Page 77</p> <p>1       <b>FURTHER EXAMINATION</b></p> <p>2       BY MR. BULLION:</p> <p>3       <b>Q. Sir, with -- I just want to clarify.</b></p> <p>4       You testified earlier that pat-down searches</p> <p>5       should not be done absent an administrator telling</p> <p>6       the security guard do a pat-down search. Is that</p> <p>7       still your testimony?</p> <p>8       A. Unless a weapon's involved.</p> <p>9       <b>Q. Unless a weapon's involved. Okay. So</b><br/> 10       <b>if an officer's looking for contraband like a vape</b><br/> 11       <b>pen, they would have to have direction from a</b><br/> 12       <b>school administrator to perform a pat-down search?</b></p> <p>13       A. Yes.</p> <p>14       <b>Q. Okay. And -- actually, no, that's it.</b></p> <p>15       <b>We're good. Thank you.</b></p> <p>16       MR. WALZ: We're good. We'll read and</p> <p>17       sign.</p> <p>18       I'm sorry, Mr. Quinones, do you have any</p> <p>19       questions?</p> <p>20       MR. QUINONES: No, I have no questions</p> <p>21       for Mr. Mangin.</p> <p>22       MR. WALZ: Thank you. We'll read and</p> <p>23       sign, please. Thank you, Madam court reporter.</p> <p>24       Thank you, Counsel.</p> <p>25       MR. BULLION: That means you'll get the</p> |